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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,497	08/09/2001	Takashi Saga	UDK-001	2619

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RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/924,497

Applicant(s)

SAGA ET AL.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

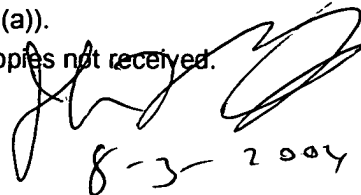
- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

  
8-3-2004

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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## **NON-FINAL REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS — 35 U.S.C. §101**

2. **Rejections Withdrawn.**

### **CLAIM REJECTIONS — 35 U.S.C. §103(a)**

A prior Office action recites the substance of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action.

3. Claims 1-8 are rejected under 35 U.S.C. §103(a) as being obvious over Scroggie 6,014,634 (Jan. 11, 2000) [US f/d: Aug. 04, 1997] (herein referred to as ("Scroggie").

As per independent claim 1, Scroggie (col. 14, lines 2-67; and FIG. 16) explicitly teaches "selected advertisement information is a questionnaire, and a

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response to the questionnaire is communicated over the network from the audience to the server. . . .”

Scroggie (col. 13, ll. 55-65 ; FIG. 9; and col. 9, ll. 50-61) discloses *“delivery via E-mail of general messages or incentives to consumers who meet selected non-demographic criteria, such as those who have not recently visited the Web site, or those who have not selected or redeemed online purchase incentives during a recent selected period. . . .”* as well as *“first time”* consumer registrants.

Scroggie (FIG. 18; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; col. 1, ll. 35-65; col. 3, ll. 24-50; col. 4, ll. 20-30; col. 5, ll. 50-55; col. 6, ll. 5-55; col. 8, ll. 50-55; col. 9, ll. 35-67; col. 10, ll. 5-8; col. 13, ll. 17-67; col. 14, lines 2-67; and col. 15, ll. 1-7) shows “A presentation method for providing advertisement information stored n a server to an exhibitor via a network comprising the steps of: Requesting access to information stored in the server over the network; selecting advertisement information among information stored in the server when access is authorized; sending selected advertisement information from the server to the exhibitor over the network; wherein the selected advertisement information is a questionnaire, and a response to the questionnaire is communicated over the network from the audience to the server.”

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Scroggie lacks an explicit recitation of "wherein the selected advertisement information is a questionnaire, and a response to the questionnaire is communicated over the network from the audience to the server. . . ." even though Scroggie (FIG. 18; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; col. 1, ll. 35-65; col. 3, ll. 24-50; col. 4, ll. 20-30; col. 5, ll. 50-55; col. 6, ll. 5-55; col. 8, ll. 50-55; col. 9, ll. 35-67; col. 10, ll. 5-8; col. 13, ll. 17-67; col. 14, lines 2-67; and col. 15, ll. 1-7) implicitly shows same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Scroggie (FIG. 18; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; col. 1, ll. 35-65; col. 3, ll. 24-50; col. 4, ll. 20-30; col. 5, ll. 50-55; col. 6, ll. 5-55; col. 8, ll. 50-55; col. 9, ll. 35-67; col. 10, ll. 5-8; col. 13, ll. 17-67; col. 14, lines 2-67; and col. 15, ll. 1-7) implicitly shows "wherein the selected advertisement information is a questionnaire, and a response to the questionnaire is communicated over the network from the audience to the server. . . ." and it would have been obvious to

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modify and interpret the disclosure of Scroggie cited above as showing "wherein the selected advertisement information is a questionnaire, and a response to the questionnaire is communicated over the network from the audience to the server. . . ." because modification and interpretation of the cited disclosure of Scroggie would have provided *"a system and method for the distribution, via a computer network, of incentives and other related shopping aids useful to retail customers. . . ."* (see Scroggie (col. 1, ll. 45-50)) based on the motivation to modify Scroggie so *"a customer . . . may then receive more targeted incentives based on his or her prior purchasing history. . . ."* (see Scroggie (col. 4, ll. 53-60)).

As per claims 2-8, Scroggie shows the method of claim 1 and subsequent base claims depending from claim 1.

Scroggie (FIG. 18; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; col. 1, ll. 35-65; col. 3, ll. 24-50; col. 4, ll. 20-30; col. 5, ll. 50-55; col. 6, ll. 5-55; col. 8, ll. 50-55; col. 9, ll. 35-67; col. 10, ll. 5-8; col. 13, ll. 17-67; col. 14, lines 2-67; and col. 15, ll. 1-7) implicitly shows elements and limitations of claims 2-8.

Scroggie lacks an explicit recitation of the elements and limitations of claims 2-8 even though Scroggie (FIG. 18; the ABSTRACT; FIG. 1; FIG. 2; FIG.

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3; FIG. 4; FIG. 5; FIG. 6; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; col. 1, ll. 35-65; col. 3, ll. 24-50; col. 4, ll. 20-30; col. 5, ll. 50-55; col. 6, ll. 5-55; col. 8, ll. 50-55; col. 9, ll. 35-67; col. 10, ll. 5-8; col. 13, ll. 17-67; col. 14, lines 2-67; and col. 15, ll. 1-7) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 2-8 were well known and expected in the art at the time of the invention. It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Scroggie (FIG. 18; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; col. 1, ll. 35-65; col. 3, ll. 24-50; col. 4, ll. 20-30; col. 5, ll. 50-55; col. 6, ll. 5-55; col. 8, ll. 50-55; col. 9, ll. 35-67; col. 10, ll. 5-8; col. 13, ll. 17-67; col. 14, lines 2-67; and col. 15, ll. 1-7) implicitly shows the elements and limitations of claims 2-8, and it would have been obvious to modify and interpret the disclosure of Scroggie cited above as showing the elements and limitations of claims 2-8 because modification and interpretation of the cited disclosure of Scroggie would have provided "*a system and method for the distribution, via a computer network, of incentives and other related shopping aids useful to retail customers. . . .*" (see Scroggie (col. 1, ll. 45-50)) based on the motivation to modify Scroggie so "*a customer . . . may then receive more targeted incentives based on his or her prior purchasing history. . . .*" (see Scroggie (col. 4, ll. 53-60)).

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#### RESPONSE TO ARGUMENTS

4. Applicant's arguments (filed 03/31/2004) concerning the rejections in the prior Office Action have been considered but are not persuasive for the following reasons: Applicant's arguments are moot pursuant to new grounds of rejection presented in this Office action based on Applicant's amendments.

#### CONCLUSION

5. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

August 3, 2004